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MASTER AND SERVANT—OCCURRENCE HASTENING DISEASE AN "ACCIDENT" WITHIN COMPENSATION ACT.—An employee of a coal-mining company was afflicted with a serious and chronic disease of the heart. He descended into the mine to his usual working place but found it so filled with smoke that he was forced to leave. Shortly after he reached the surface he died. The Industrial Board found that his death had been caused by accident in the course of employment, and awarded compensation. The mining company appealed. *Held*, award affirmed. *Utilities Coal Co. v. Herr et al.* (Ind.), 132 N. E. 262 (1921).

In those States where compensation is given for personal injuries without the qualifying words "received accidentally," the courts have always held that the acceleration or aggravation of an existing disease entitled the employee to compensation. *Hartz v. Hartford, etc., Co.*, 90 Conn. 539, 97 Atl. 1020 (1916). And it is the hazard of the employment acting upon the particular employé in his condition of health, and not what that hazard would be if acting upon a healthy employee or upon the average employee." *In re Madden*, 222 Mass. 487, 111 N. E. 379, L. R. A. 1916D, 1000 (1916).

But in many States the statutes require that the injury be accidental. An accident, as used in the Workmen's Compensation Acts, has been held to be an event not within one's foresight and expectation, resulting in a mishap causing injury to the employee. *Vennen v. New Dells Lumber Co.*, 161 Wis. 370, 154 N. W. 640, Ann. Cas. 1918B, 293, L. R. A. 1916A, 273 (1915); or any injuries not expected or designed by the workman himself. *In re Heitz*, 218 N. Y. 148, 112 N. E. 750, L. R. A. 1917A, 344 (1916).

The injury sustained by the decedent seems clearly to come within these definitions, and the holding would appear to be eminently sound even under the narrower statute. *In re Bowers*, 65 Ind. App. 128, 116 N. E. 842 (1917).

For a general discussion of this topic see 3 VA. LAW REVIEW 625.

STATUTE OF FRAUDS—MARRIAGE AS PART PERFORMANCE.—The father of the defendants was a widower with several minor children. Plaintiff's mother was unmarried, but pregnant of the plaintiff, whose father was other than defendants' father. Plaintiff's mother married defendants' father upon the latter's oral promise to make the plaintiff, when born, an equal heir with his other children; the plaintiff's mother, on the other hand, promising to be a mother to the minor children of defendants' father. Defendants' father and plaintiff's mother lived together as husband and wife for a number of years and two children were born of this union. But plaintiff's mother later obtained a divorce from defendants' father on the grounds of cruelty and defendants' father, by will, gave his property to his children by his first marriage, expressly excluding plaintiff, whereupon plaintiff brought a suit in equity to compel the specific performance of the oral antenuptial agreement between his mother and his step-father, defendants' father. Defendants relied upon the Statute of Frauds. *Held*, plaintiff could not recover. *Fischer v. Fischer* (Neb.), 184 N. W. 116 (1921).